

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated November 22, 2004, are respectfully requested. A separate petition for a one-month extension of time accompanies this amendment.

The applicant's representative wishes to thank Examiner Backer for the interview on February 1, 2005. During the interview, US Patent No. 6,081,793 to Challenger et al. was discussed, in addition to the thesis by M. Herschberg. Additionally, distinctions between the claimed inventive concept and the prior art was discussed, and the parties agreed that "there is a great distinction between the inventive concept and the prior art." The applicant agreed to cancel claims 35-40 and the examiner agreed to reconsider claims 1-34. Further details regarding the substance of the interview may be found below. If Examiner Backer believes that any additional information regarding the interview is necessary, please let the undersigned attorney know.

Information disclosure statements were provided on May 25, 2004 and August 17, 2004, but initial copies were not returned. As a courtesy, copies of such Information Disclosure Statements are being provided, and the applicant's representative respectively requests the examiner to consider such references and return initial copies of such statements.

I. Amendments

By this Amendment, claims 34-40 are cancelled, without prejudice, and such claims may be pursued in a continuing application.

V. Rejections under 35 U.S.C. § 103

A. The Applied Art

Claims 1-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Herschberg ("Secure Electronic Voting Over the World Wide Web") in view of Challenger et al. (U.S. Patent No. 6,081,793).¹

¹ Silence regarding the position taken, or argument made, by the Examiner does not indicate any acquiescence to that position or argument. Furthermore, arguments made with

B. Analysis

In general, the cryptographic arts deal with providing private, safe and fair elections, but that is the second step in voting processes. The first step, which is not discussed in detail in cryptographic literature, deals with registering eligible voters. Remote registration can be particularly problematic.² None of the applied references substantively address registration. The inventive system proposes four embodiments for public key exchange during registration that range from convenient but less secure, to very secure but less convenient.

For the sake of brevity, applicant's appeal brief is incorporated by reference herein, and the examiner is directed to the brief for a summary of the claimed system and the Herschberg thesis, as well as arguments for patentability of the pending claims provided therein. As noted in the appeal brief, Herschberg himself admits that registration is not addressed in cryptography. In particular, Section 6.4.2 of Herschberg states:

The Registrar can create ghosts. That is, it can register non-existent voters and later cast votes under those names. The prevention of ghosts is a policy issue, and not one for cryptography. A practical solution is to have adversarial parties oversee the registration process, to make sure the dead do not rise to vote again. (Emphasis added)

The newly cited reference, Challenger, describes only a typical electronic voting system, and again ignores registration. The only reference to registration in Challenger is at column 2, line 61-column 3, line 9. In this section, Challenger takes for granted that voters are properly registered, and once registered, they receive a "smart card." Indeed, the method of Challenger would benefit from the presently claimed invention, because a registrant or potential voter could employ the presently claimed invention to register, and at the end of that registration, receive a smart card that could be then used

respect to a particular claim or claims apply only to that claim or claims, and not to other claims, unless specifically noted herein.

² During the interview, the attorney for the applicants showed examples of A New Yorker cartoon touching on problems with anonymity with the Internet, and relayed the example of a U.K. woman who registered her cow to vote.

in the voting system of Challenger. In other words, the system of Challenger picks up where the claimed invention leaves off.

Overall, applicant believes that claims 1-34 are patentable for at least the above reasons, and those presented in appellant's brief.³

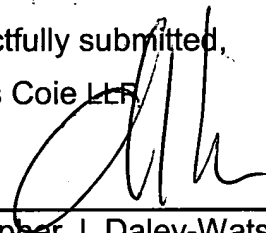
VI. Conclusion

Overall, none of the applied references, singly or in any motivated combination, teach or suggest the features recited in the independent claims, and thus such claims are allowable. Since these independent claims are allowable, based at least on the above reasons, the claims which depend from them are likewise allowable. If the undersigned attorney has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3599.

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Respectfully submitted,
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³ Claims substantially similar to those currently pending have issued, or are about to issue, in both Europe and Canada. While mentioned during the interview, if the Examiner would like evidence of this, please let the undersigned attorney know.